

Maureen C. VanderMay, WSBA No. 16742
The VanderMay Law Firm PC
2021 S Jones Blvd.
Las Vegas, Nevada 89146
(702) 538-9300

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

ELF-MAN, LLC,)	Case No.: 2:13-CV-00115-TOR
Plaintiff,)	
v.)	PLAINTIFF'S RESPONSE TO
C. G. CHINQUE ALBRIGHT,)	DEFENDANT LAMBERSON'S
et al.,)	MOTION TO SEVER
Defendants.)	

Plaintiff Elf-Man, LLC hereby responds to Defendant Ryan Lamberson's motion to sever.

As a threshold matter, Plaintiff notes that this motion was unnecessary. In both its initial and first amended complaints, Plaintiff expressly agreed to sever its claims against any Defendant who claimed that he or she would be prejudiced by joinder. ECF No. 26 at p. 14, ¶ 108 ("Notice is provided, that on being specifically identified and on request from an identified Defendant, Plaintiff agrees to sever any Defendant that claims prejudice in being joined in this matter and to proceed against each such Defendant individually."); *see also* ECF No. 1 at pp 6-7, ¶ 36 (same). Indeed, the Court order relied upon by Defendant Lamberson in support of his motion so notes. ECF No. 22 at p. 6.

PLAINTIFF'S RESPONSE TO
DEFENDANT LAMBERSON'S
MOTION TO SEVER – Page 1

1 As the accompanying declaration of counsel explains, Defendant
2 Lamberson's counsel filed this motion to sever (along with two virtually identical
3 motions on behalf of other Defendants and various supporting documents) without
4 first conferring with Plaintiff's counsel. Had Plaintiff's counsel been notified of
5 Defendant Lamberson's request for severance, Plaintiff would have immediately
6 agreed to enter into a stipulation severing its claims against him. Plaintiff submits
7 that the course of action chosen by Defendant was unnecessary and served only to
8 increase the cost of this litigation to both parties and to the Court.

9 In light of its previous agreement on this issue, Plaintiff does not object to
10 the severance of its claims against Defendant Lamberson.

11 DATED: October 31, 2013

12 Respectfully submitted,

13 The VanderMay Law Firm

14 s/ Maureen C. VanderMay
15 Maureen C. VanderMay, WSBA No. 16742
16 email: elfmanwa@vandermaylawfirm.com
17 The VanderMay Law Firm PC
18 2021 S. Jones Blvd.
19 Las Vegas, Nevada 89146
20 Of Attorneys for Plaintiff
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23
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